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HSBC MORTGAGE CORP. USA; MERSCORP,
INC.; and MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.*

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KATHRYN E. WOLVERTON, DEBORAH
GREENE, MICHAEL GREENE, individually
and on behalf of each other herein,

Plaintiffs,

vs.

HSBC BANK USA, N.A.; HSBC
MORTGAGE CORP. USA, a Delaware
corporation; MERSCORP, INC., a Virginia
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware corporation; MORTGAGEIT
SECURITIES CORP., a subsidiary of
DEUTSCHE BANK NATIONAL TRUST
COMPANY; MORTGAGE LOAN TRUST
SERIES 2007-1; MORTGAGE PASS-
THROUGH CERTIFICATES, and Individuals
1 to 50, inclusive; and ROES Corporations 1 to
30, inclusive; and all other persons unknown
claiming any right, title, estate, lien, or interest
in the real property described in the Complaint
adverse to Plaintiff's ownership, or any cloud
upon Plaintiff's title thereto,

Defendants.

No.

PETITION FOR REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Defendants HSBC BANK USA, N.A.; HSBC MORTGAGE CORP. USA; (collectively

“HSBC”) MERSCORP, INC.; and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (collectively “MERS”) pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, hereby removes to this Court Case No. A-10-626320-C, currently pending in Department XXI of the Eighth Judicial District Court, Clark County, Nevada (the “Action”). The removal of this case is based on the following grounds.

I. Summary of Pleadings

On September 29, 2010, Plaintiffs KATHRYN E. WOLVERTON, DEBORAH GREENE, MICHAEL GREENE (“Plaintiffs”) filed a Complaint, initiating the Action. A true and correct copy of Plaintiff’s Complaint is attached hereto as Exhibit A. Plaintiffs also filed Motion for Preliminary Injunction and a Notice of Lis Pendens on September 29, 2010. *See Exhibits B and C*. On November 2, 2010 Plaintiffs filed an Ex Parte Motion to Vacate Order for Writ of Restitution and Motion for Temporary Restraining Order to Enjoin Action Now Pending and Proposed Order. *See Exhibit D*. Plaintiffs also filed a Notice of Bankruptcy on November 2, 2010. *See Exhibit E*. On November 3, 2010 Court denied the Motion for Preliminary Injunction. *See Exhibit F*.

II. Nature of Complaint

Plaintiff’s Complaint alleges that the defendants engaged in deceptive practices. The causes of action asserted in the Complaint include: (1) Violation of Fair Housing Act-42 U.S.C. §3601 et seq.; (2) Violation of Unfair Lending Practices-NRS 598(D); (3) Violations of the Real Estate Settlement Procedures Act (“RESPA”) 12 U.S.C. § 2601; (4) Violations of the Fair Credit Reporting Act; (5) Deceptive Trade Practices; (6) Wrongful Foreclosure; (7) Conspiracy to Commit Fraud and Conversion; (8) Conspiracy to Commit Fraud Related to MERS System; (9) Unjust Enrichment; (10) Breach of Good Faith and Fair Dealing – HAMP; (11) Inspection and Accounting; (12) Negligent Infliction of Emotional Distress; (13) Slander of Title; (14) Quiet Title; (15) Fraud in the Inducement; (16) Injunctive Relief; (17) Declaratory Relief; and (18) Rescission.

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III. Statement of Jurisdiction

This Court has original jurisdiction of the Action under 28 U.S.C. § 1331 and is one which may be removed to this Court by HSBC and MERS pursuant to the provisions of 15 U.S.C. § 1692 in that Plaintiffs allege violations of federal laws: (1) 42 U.S.C. § 3601 and (2) RESPA. See Complaint, attached hereto as Exhibit A, ¶¶ 29 & 50.

This Court also has original jurisdiction of the Action under 28 U.S.C. § 1332 as complete diversity exists between the Plaintiffs and the Defendants, and the amount in controversy requirement is satisfied.

A. Complete Diversity Exists

Plaintiffs are residents and citizens of the State of Nevada. For diversity jurisdiction purposes, a national bank is a citizen of the state designated as its main office on its organization certificate. *Wachovia Bank, N.A. v. Schmidt*, 546 U.S. 303, 306 (2006). Accordingly, HSBC BANK USA, N.A. is a citizen of Delaware – the state listed on HSBC’s organization certificate. A corporation is deemed to be a citizen of any state in which it has been incorporated and of any state where it has its principal place of business. Defendant HSBC MORTGAGE CORP. USA is a citizen of Delaware, as it is a Delaware corporation with its principal place of business in that state. Defendants MERSCORP, INC., and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. are citizens of Delaware and Virginia, as they are Delaware corporations with the principal places of business in Virginia. Upon information and belief, Defendants MORTGAGEIT SECURITIES CORP., a subsidiary of DEUTSCHE BANK NATIONAL TRUST COMPANY, MORTGAGE LOAN TRUST SERIES 2007-1 and MORTGAGE PASS-THROUGH CERTIFICATES are foreign corporations or entities, being incorporated outside the State of Nevada and having their principal places of business outside the State of Nevada. For removal purposes, the citizenship of Doe defendants is disregarded. 28 U.S.C. 1441(a).

B. The Amount in Controversy Requirement is Satisfied

The Action satisfies the amount in controversy requirement under 28 U.S.C. § 1332. Plaintiff is claiming monetary damages in an unspecified amount in addition to costs of suit. See, e.g., Prayer for Relief. The amount of damages plus the value of the real property exceeds

1 \$75,000. The aggregate amount of Plaintiff's claims, therefore, satisfies the amount in
2 controversy requirement.

3 IV. Timeliness of Removal

4 A notice of removal must be filed within 30 days after service of the pleading which
5 makes the defendant become a party to the state action. 28 U.S.C. § 1446(b). The thirty-day
6 period for removal does not begin to run until a party has received a copy of the Complaint and
7 been properly served. *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344,
8 347-48 (1999). Upon information and belief, Plaintiff served a copy of the summons and
9 Complaint upon Defendant MERS on October 26, 2010. Therefore, this Notice of Removal is
10 timely filed under 28 U.S.C. § 1446(b) because it is filed within one year of the commencement
11 of this action and within thirty days of the date MERS was served with the summons and
12 complaint. No other defendants have appeared and no proof of service of any defendants has been
13 filed.

14 V. Conclusion

15 Because HSBC and MERS have timely filed a notice of removal of an action for which
16 this Court has original jurisdiction – based on federal question and diversity – the Action must be
17 removed to this Court.

18 HSBC and MERS will also timely file a Notice of Removed Action in the Eighth Judicial
19 District Court, Clark County, Nevada, a true and correct copy of which is attached hereto as
20 Exhibit G.

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1 In filing this Notice of Removal, HSBC and MERS do not waive, and specifically reserve,
2 all defenses, exceptions, rights and motions. No statement herein or omission herefrom shall be
3 deemed to constitute an admission by HSBC or MERS of any of the allegations of or damages
4 sought in the Complaint.

5 Dated: November 15, 2010

SNELL & WILMER L.L.P.

7 By: /s/ Cynthia L. Alexander, Esq.

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **Petition for Removal** by the method indicated - and addressed to the following:

U. S. Mail

Kathryn E. Wolverton
Deborah Greene
Michael Greene
4660 Polaris Avenue
Las Vegas, NV 89103
Phone: (702) 683-5531
Fax: (702) 434-4036
Plaintiffs Pro Se

DATED this 15 day of November, 2010


An employee of Snell & Wilmer L.L.P.

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